

August 8, 2024

**BY ECF**

Hon. Valerie E. Caproni  
United States District Court for the Southern District of New York  
40 Foley Square, Room 443  
New York, New York 10007

*Nike, Inc. v. StockX LLC*, No. 22 CV 983 (VC) (SN)

Dear Judge Caproni:

Pursuant to Your Honor’s Individual Rule 5(B)(ii), Defendant StockX LLC (“StockX”) and Plaintiff Nike, Inc. (“Nike,” and together with StockX, the “Parties”) respectfully submit this joint letter requesting the sealed treatment of the Parties’ summary judgment briefing, including any moving briefs, oppositions, replies, and supporting declarations and exhibits (the “Motions”).

In support of the Motions, the Parties each cite to material that has been designated confidential pursuant to the Stipulated Protective Order in this case (Dkt. No. 52), including documents produced during discovery, expert reports, and the transcripts of expert and fact witness depositions.

As required by the Stipulated Protective Order, the Parties will file portions of the Motions under seal, along with redacted public versions where appropriate. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (“[C]ourts in this District routinely seal documents to prevent the disclosure of a party’s confidential or competitively sensitive business information.”); *Regeneron Pharms., Inc. v. Novartis Pharma AG*, 2021 WL 243943, at \*1 (S.D.N.Y. Jan. 25, 2021) (collecting cases).

In order to permit the Parties an opportunity to review the opposing Party’s Motion, and confer with their clients regarding any necessary sealed treatment, the Parties jointly request that the Court approve the following schedule for exchange and filing of proposed redactions: (1) the Parties shall file the Motions under seal in the first instance; (2) the Parties shall exchange proposed redactions for all confidential information by Thursday, October 17, 2024; (2) the Parties shall each file, under seal, their final proposed redactions with the Court by Thursday, October 24, 2023, along with a publicly-filed letter motion justifying sealed treatment.

*(Remainder of page intentionally left blank)*

Respectfully submitted,

/s/ Tamar Y. Duvdevani

**DLA PIPER LLP (US)**

Tamar Y. Duvdevani  
Marc E. Miller  
Michael D. Hynes  
Andrew J. Peck  
Jared Greenfield  
1251 Avenue of The Americas, 27th Fl.  
New York, NY 10020  
Telephone: (212) 335-4500  
Facsimile: (212) 335-4501

Michael Fluhr  
555 Mission Street, Suite 2400  
San Francisco, CA 94105  
Telephone: (415) 836-2500  
Facsimile: (415) 836-2501

Melissa Reinckens  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121  
Telephone: (858) 677-1400  
Facsimile: (858) 677-1401

Jane W. Wise  
500 Eighth Street, NW  
Washington, D.C. 20004  
Telephone: (202) 799-4149  
Facsimile: (202) 863-7849

*Attorneys for Plaintiff Nike, Inc*

/s/ Megan K. Bannigan

Megan K. Bannigan  
David H. Bernstein  
Jyotin Hamid  
Kathryn C. Saba  
DEBEVOISE & PLIMPTON LLP  
66 Hudson Boulevard  
New York, NY 10001  
Telephone: (212) 909-6000

Christopher S. Ford  
DEBEVOISE & PLIMPTON LLP  
650 California Street  
San Francisco, CA 94108  
Telephone: (415) 738-5700

David Mayberry  
Rob Potter  
KILPATRICK TOWNSEND & STOCKTON LLP  
1114 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 775-8733

Jeffrey B. Morganroth  
MORGANROTH & MORGANROTH, PLLC  
344 N. Old Woodward Ave, #200  
Birmingham, MI 48075  
Telephone: (248) 864-4001

*Attorneys for Defendant StockX LLC*

cc All counsel of record (via ECF)